UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,041	02/26/2004	Yuan Kong	003797.00783	2911

28319   7590   04/25/2008
BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NOS. 003797 & 013797
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER
NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
04/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/786,041	KONG, YUAN
	Examiner	Art Unit	
	KEVIN M. NGUYEN	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 February 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8-13,37,38,41,44-47,49,50 and 52* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-5,8-13,37,38,41,44-47,49,50 and 52* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *26 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
       Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
       Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Request for Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/26/2008 has been entered. An action on the RCE follows:

Claims 1, 37 and 45 are amended. Thus, claims 1-5, 8-13, 37, 38, 41, 44-47, 49, 50 and 52 are pending. The applicant's remarks, see page 7 filed on 1/10/2008, and see pages 2-5 filed on 10/29/2007 with respect to the amendment have been fully considered, the previous rejections stand withdrawn. Upon further consideration, new grounds of rejection are made in view of Suzuki (US 6,130,664), Gouzman et al. (US 6,762,749), and Gillick et al. (US 5,446,481).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 8-10, 12, 13, 37, 38, 41, 44-47, 49, 50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 6,130,664) in view of Gouzman et al. (US 6,762,749, Gouzman).

As to **claim 1**, in the alternate embodiment, Suzuki teaches **a pointing device configured to communicate with navigation software running on a computer having a display, the pointing device comprising:**

a sensor configured to sense a physical input, the pointing device configured to request the navigation software to move a navigation control on the display in accordance with the physical input; and (an angular sensor 3, a computer mouse 1, a software driver of the computer mouse 1, col. 9, lines 52-54, a cursor C is navigated is displayed on a display screen 14.)

a selector having a first state and a second state, the pointing device configured to request the navigation software to move the navigation control in accordance with a first navigation mode or a second navigation mode depending upon the state of the selector, wherein the selector is an angular sensor configured to sense an angle of the pointing device (a selector 11, a horizontal direction, a rotation direction, and col. 5, lines 15-32)

Suzuki fails to teach **wherein the first navigation mode the navigation control moves at a first sensitivity in accordance with the physical input, and in the second navigation mode the navigation control moves at a second different sensitivity in accordance with the same physical input.**

Gouzman teaches a computer mouse 12 comprising a first moveable navigation device for selecting data for display by one or more tactile display from a first selected portion of the multiple data field environment (MDFE), and a second moveable navigation device for use simultaneously with the first navigation device for selecting data for display by the one or more

tactile display from a second selected portion of the MDFE, different from the first selected

portion, col. 2, lines 35-47.

As to claim 2, a kit, comprising: the pointing device of claim 1; and a computer-readable

medium storing computer-executable instructions representing the navigation software (Suzuki

inherently discloses a computer software has a code storing in memory and executed by the

CPU).

As to claim 3, the kit of claim 2, wherein the navigation software includes a first

navigation engine and a second navigation engine, the first navigation mode utilizing the first

navigation engine and the second navigation mode utilizing the second navigation engine (col. 2,

lines 35-47 of Gouzman).

As to claim 4, the pointing device of claim 1, further including a Left click button and a

Right click button in addition to the selector (selecting switches 5 and 6 of Suzuki).

As to claim 5, the pointing device of claim 1, wherein the selector has different physical

positions each representing a different one of the first and second states (col. 2, lines 29-34 of

Gouzman).

As to claim 8, the pointing device of claim 1, wherein the physical input is movement of

the pointing device, and wherein in the first navigation mode the navigation control moves by an

amount that has a first relationship with the movement of the pointing device, and in the second

navigation mode the navigation control moves by an amount that has a second different

relationship with the movement of the pointing device. (col. 2, lines 35-47 of Gouzman).

As to claim 9, the pointing device of claim 8, wherein the navigation control moves

linearly in accordance with the movement of the pointing device in both the first and second

navigation modes (Suzuki discloses a cursor C is moved linearly in x and y directions).

As to claim 10, the pointing device of claim 1, wherein the pointing device is configured

to move upon a surface, the selector being responsive to an amount of pressure applied to the

pointing device against the surface (selecting switches 5 and 6 of Suzuki).

As to claim 12, the pointing device of claim 1, wherein the pointing device is not

integrated with a keyboard having an alphanumeric section (Suzuki discloses the computer

mouse is stand-alone separated from a keyboard).

As to claim 13, the pointing device of claim 1, wherein the navigation control is a cursor

(Suzuki discloses the cursor C being displayed on the monitor).

The incorporation of the first moveable navigation device for selecting data for display

and the second moveable navigation device different from the first selected portion as taught by

Gouzman into the computer mouse as taught by Suzuki would have been obtained as a

predictable modification-- Gouzman's benefit intended to maximize access to and interaction

with any electronic data display system, col. 2, lines 1-13 of Gouzman. It would have been

obvious to one of ordinary skill in the art could have applied the known "improvement"

technique of Gouzman in the same way to Suzuki's computer mouse and the results would have

been predictable to one ordinary skill in the art.

As to **claim 37,** in the alternate embodiment, Suzuki teaches **an apparatus, comprising:**

a sensor configured to sense a physical input, the apparatus configured to control

two-dimensional movement of displayed a navigation control in accordance with the

physical input (a sensor 3, a computer mouse 1, a software driver of the computer mouse 1, col. 9, lines 52-54, a cursor C is navigated is displayed on a display screen 14.)

a selector having a first state and a second state, the apparatus configured to control the two-dimensional movement of the displayed navigation control at either a first sensitivity or a second sensitivity depending upon whether the selector is in a first state or a second state (a selector 11, two dimensional information movement, col. 3, lines 35-36, a cursor C is navigated is displayed on a display screen 14 in a horizontal sensitive direction or a rotation sensitive direction, col. 5, lines 15-55).

Suzuki fails to teach a first navigation state and a second navigation state.

Gouzman teaches a computer mouse 12 comprising a first moveable navigation device for selecting data for display by one or more tactile display from a first selected portion of the multiple data field environment (MDFE), and a second moveable navigation device for use simultaneously with the first navigation device for selecting data for display by the one or more tactile display from a second selected portion of the MDFE, different from the first selected portion, col. 2, lines 35-47.

As to claim 38, the apparatus of claim 37, further including a Left click button and a Right click button in addition to the selector (selecting switches 5 and 6 of Suzuki.)

As to claim 41, the apparatus of claim 37, wherein the physical input is translation of the apparatus (the selecting switch 6 of Suzuki.)

As to claim 44, the apparatus of claim 37, wherein the displayed navigation control is a displayed cursor (the cursor C of Suzuki).

The incorporation of the first moveable navigation device for selecting data for display and the second moveable navigation device different from the first selected portion as taught by Gouzman into the computer mouse as taught by Suzuki would have been obtained as a predictable modification-- Gouzman's benefit intended to maximize access to and interaction with any electronic data display system, col. 2, lines 1-13 of Gouzman. It would have been obvious to one of ordinary skill in the art could have applied the known "improvement" technique of Gouzman in the same way to Suzuki's computer mouse and the results would have been predictable to one ordinary skill in the art.

As to claim 45, in the alternate embodiment, Suzuki teaches **an apparatus configured to communicate with navigation software running on a computer having a display, the pointing device comprising:**

a selector configured to switch between a first state and a second state responsive to a first physical input; and (a selector 11, a horizontal direction and a rotation direction.)

<u>wherein the selector is an angular sensor configured to sense an angle of the pointing device, and wherein the first state is associated with a first angle of the apparatus and the second state is associated with a second angle of the apparatus</u> (an angular sensor 3, in the alternate embodiment, see col. 7, lines 51-65.)

a sensor coupled to the selector and configured to sense a second physical input, the pointing device configured to request the navigation software to translate a navigation control across the display at a first sensitivity in accordance with the second physical input while the selector is in the first state, and to request the navigation software to translate the navigation control across the display at a second sensitivity in accordance with the second

physical input while the selector is in the second state. (the angular sensor 3, a computer mouse 1, a software driver of the computer mouse 1, col. 9, lines 52-54, a cursor C is navigated is displayed on a display screen 14.)

Suzuki fails to teach a first navigation state and a second navigation state.

Gouzman teaches a computer mouse 12 comprising a first moveable navigation device for selecting data for display by one or more tactile display from a first selected portion of the multiple data field environment (MDFE), and a second moveable navigation device for use simultaneously with the first navigation device for selecting data for display by the one or more tactile display from a second selected portion of the MDFE, different from the first selected portion, col. 2, lines 35-47.

As to claim 46, the apparatus of claim 45, further including a Left click button and a Right click button in addition to the selector. (selecting switches 5 and 6 of Suzuki.).

As to claim 47, the apparatus of claim 45, wherein the selector has different physical positions each representing a different one of the first and second states. (col. 2, lines 35-47 of Gouzman.)

As to claim 49, the apparatus of claim 45, wherein the second physical input is translation of the apparatus. (the selecting switch 6 of Suzuki.)

As to claim 50, the apparatus of claim 45, wherein the apparatus is configured to translate upon a surface, the selector being responsive to pressure applied to the apparatus against the surface, the selector configured to be in either the first state or the second state depending upon an amount of the pressure. (the selecting switches 5 and 6 of Suzuki.)

As to claim 52, the apparatus of claim 45, wherein the displayed navigation control is a displayed cursor. (the cursor C of Suzuki).

The incorporation of the first moveable navigation device for selecting data for display and the second moveable navigation device different from the first selected portion as taught by Gouzman into the computer mouse as taught by Suzuki would have been obtained as a predictable modification-- Gouzman's benefit intended to maximize access to and interaction with any electronic data display system, col. 2, lines 1-13 of Gouzman. It would have been obvious to one of ordinary skill in the art could have applied the known "improvement" technique of Gouzman in the same way to Suzuki's computer mouse and the results would have been predictable to one ordinary skill in the art.

3.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki and Gouzman as applied to claim 1 above, and further in view of Gillick et al. (US 5,446,481, Gillick).

As to claim 11, Suzuki and Gouzman teach all of the limitation of claim 1, except wherein the selector is a scroll wheel rotatable around a first axis and tilt-able around a second axis, the first and second states being selected by a tilt of the scroll wheel.

Gillick teaches a computer mouse comprising a roller 24 is in the selected tilted left and right, which has been assigned pitch and roll. The extent of motion associated with the new degree of freedom depends upon the turning roller 24, col. 4, lines 1-16.

The incorporation of the roller 24 as taught by Gillick into the computer mouse as taught by Suzuki and Gouzman would have been obtained as a predictable modification-- Gillick's benefit provides six degree of freedom where it is desirable to rotate objects using angular

coordinates, as well as to draw and revise objects using normal Cartesian coordinates, col. 2, lines 51-60 of Gillick. It would have been obvious to one of ordinary skill in the art could have applied the known "improvement" technique of Gillick in the same way to Suzuki's and Gouzman computer mouse and the results would have been predictable to one ordinary skill in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN M. NGUYEN whose telephone number is (571) 272-7697. The examiner can normally be reached on MON-THU from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin M Nguyen/
Primary Examiner, Art Unit 2629

KMN

April 25, 2008